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POST-CONFIRMATION TRUST

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;

Plaintiff,

vs.

HAWAIIAN EXPRESS SERVICE,

(Caption Continued)

) CIVIL NO. CV03-00385 SOM-LEK

) (Copyright)

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) **DECLARATION OF R. OLIVIA**

) **SAMAD IN SUPPORT OF**

) **DEFENDANT PCT'S MOTION FOR**

) **RENEWED MOTION FOR**

) **JUDGMENT AS A MATTER OF**

) **LAW AGAINST ENTITLEMENT**

) **TO PROFIT AND VICARIOUS**

INC., et al.,) **LIABILITY, FILED ON MARCH 23,**
) **2006**
)
 Defendants.)
) Judge: Hon. Susan O. Mollway

**DECLARATION OF R. OLIVIA SAMAD IN SUPPORT OF DEFENDANT
PCT'S MOTION FOR RENEWED MOTION FOR
JUDGMENT AS A MATTER OF LAW AGAINST
ENTITLEMENT TO PROFIT AND VICARIOUS LIABILITY**

I, R. Olivia Samad, declare that:

1. I am an associate at Kirkland & Ellis, LLP, and one of the attorneys representing the Defendant Fleming (now the Post Confirmation Trust ("PCT")) in this case.

2. I am licensed to practice law in the State of California (SBN 228611) and have been admitted pro hac vice in this case.

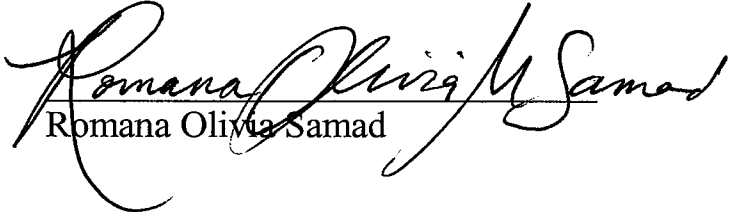
3. I make this declaration based on my personal knowledge and belief. I know the following to be true through my work on this case. If called upon to do so I could and would competently testify as follows.

4. Attached as Exhibit "A" is a true and correct copy of the Special Verdict Form dated March 7, 2006.

5. Attached as Exhibit "B" is a true and correct copy of an excerpt from the Order Granting in Part, Denying in Part Berry's Motion for Summary Judgment dated June 27, 2005.

6. Attached as Exhibit "C" is a true and correct copy of excerpts from the Jury Instructions.

I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information and belief in Los Angeles, California, on March 23, 2006.


Romana Olivia Samad